

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mohamed Guled Abdi, trustee for the Heirs and
next-of-kin of Ahmed Mohamed Guled,
Decedent,

Plaintiff,

v.

Civil No. 12-306 (JNE/JJG)
ORDER

Officer Christopher Garbisch, Officer Jeffrey
Newman, Officer Shawn Powell, Officer Chad
Conner, Officer Brandon Bartholomew, Officer
Chris Tucker, and the City of Minneapolis,

Defendants.

In a Report and Recommendation dated August 16, 2013, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that Defendants' motion for summary judgment be denied, that their motion to dismiss for lack of prosecution be granted, and that this action be dismissed without prejudice. In a statement filed on September 3, 2013, Plaintiff agreed that this case "be executed and continued [until] a final judgement is reached by the Court." The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 33]. Therefore, IT IS ORDERED THAT:

1. Defendants' Joint Motion for Summary Judgment or in the Alternative to Dismiss for Lack of Prosecution [Docket No. 17] is DENIED as to summary judgment and GRANTED as to dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
2. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 10, 2013

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge